

avoiding the insulator, thus preventing compromise of the isolative characteristics of said insulator.

<END>

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REMARKS

1. Applicant thanks the Examiner for his finding of allowable subject matter in Claim 5. Claim 5 has been objected to as dependent on a rejected claim, but
10 having allowable subject matter. In accord with the Examiners' suggestion, the limitations of Claim 5 have been incorporated into Claim 1. Applicant submits that Claim 1, as twice amended, is fully distinguished from the art of record.
- 15 2. Applicant notes that the specification has been objected to for lack of proper content in the abstract of the disclosure. Applicant has replaced the original abstract in its entirety.
- 20 3. Claim 1 has been rejected under 35 U.S.C. 102 (b) as being anticipated by Stirn (US Patent 3,251,161). With respect to the foregoing amendment of Claim 1, applicant submits that Claim 1 is fully distinguished from the art of record and that the rejection of Claim 1 under 35 U.S.C. 102(b) should be withdrawn.
- 25 4. Claim 6 has been rejected under 35 USC § 103(a), obviousness. The Office Action has based the rejection of Claim 6 on Stirn ('161) in further view of US Patent 5,433,029 issued to Donoho, et al. (hereinafter Donoho).
Applicant notes that Claim 1 has been distinguished from the art of record and that Claim 6, being dependent on Claim 1, cannot be held obvious in
30 light of Applicant's showing that Claim 1 is non-obvious (*re Fine, 837, F.2d 1071, 5 USPQ2d 1596, Fed. Cir. 1988*).

To support rejection of any claim under 35 USC § 103(a), the references cited in support of the rejection must satisfy the following criteria:

1. There must be some motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings;
2. There must be a reasonable expectation of success; and
3. The prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that the cited references do not offer any motivation to modify the references to make the claimed invention. Applicant also respectfully submits that the knowledge available to one of ordinary skill in the art would not have motivated the artisan to modify or combine the cited references to make the claimed invention. Further, the cited references do not teach or suggest all claim limitations of the claimed invention.

Applicant avers that Stirn and Donoho do not teach the claim limitation of a cylindrical member comprising a notch. Hence, the first part of the *prima facie* case for obviousness is not satisfied and the rejection of Claim 6 must be withdrawn.

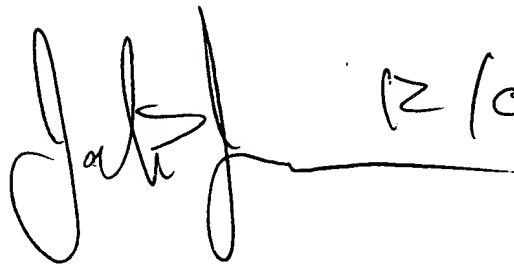
5. Attached hereto is a "Clean-Version" of the changes made to the claims by the current amendment. The attached page is captioned "Version Of Claims Showing Incorporation of Changes".

6. Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

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Respectfully Submitted,

 12/09/02

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Version Of Claims Showing Incorporation of Changes

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1. (Twice Amended) An apparatus for protecting animals from contacting
5 power lines comprising:
a cylindrical member for engaging a wire comprising a notch to
accommodate an insulator; and
securing means for securing said cylindrical member to said wire.
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